



RCRA COMPLIANCE AND ENFORCEMENT BRANCH
ENFORCEMENT CASE RECOMMENDATION
WORKSHEET¹

EPA ID NUMBER: **MDD046283495**

FACILITY NAME: **Baltimore Marine Industries**

CASE REVIEW OFFICER **Ken Cox**

REVIEW START DATE: **6/14/00**

FINDINGS OF INITIAL CASE REVIEW:

A review of the Summary of Findings and discussions with the inspectors yielded no RCRA violations

DISPOSITION RECOMMENDATION: JUD REF APO AO NOV 3013 7003 **CLOSE** OTHER:

JUSTIFICATION FOR RECOMMENDATION:

NO RCRA VIOLATIONS

CONCURRENCE SECTION

CASE REVIEW OFFICER

DATE: **7/19/00**

UNIT COORDINATOR

DATE: **7/17/00**

ENFORCEMENT COORDINATOR

DATE: **7/17/00**

¹This is a pre-decisional document protected by the deliberative process and attorney work product privileges (and may also be privileged attorney-client communication). Conclusions or recommendations are intended solely as primary information for government personnel. This worksheet contains tentative conclusions and staff-level recommendations and does not create any rights, or procedural, or defenses, as they are not binding on the Agency or the Department of Justice.

Please refer to Section V. Line-by-Line Instructions for Completing EPA Form 8700-12 before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).



Notification of Regulated Waste Activity

United States Environmental Protection Agency

Date Received
(For Official Use Or)

11-13-92

I. Installation's EPA ID Number (Mark 'X' in the appropriate box)☐

A. Initial Notification

☒B. Subsequent Notification
(Complete Item C)

C. Installation's EPA ID Number

M D D 0 4 6 2 8 3 4 9 5

II. Name of Installation (Include company and specific site name)

B A L T I M O R E M A R I N E I N D U S T R I E S I

III. Location of Installation (Physical address not P.O. Box or Route Number)

Street

6 0 0 S H I P Y A R D R O A D

Street (Continued)

B A L T I M O R E M D

City or Town

B A L T I M O R E M D

State

Zip Code

M D 2 1 2 1 9 - 2 5 9

County Code

County Name

B A L T I M O R E

IV. Installation Mailing Address (See Instructions)

Street or P.O. Box

6 0 0 S H I P Y A R D R O A D

City or Town

B A L T I M O R E M D

State

Zip Code

M D 2 1 2 1 9 - 2 5 9

V. Installation Contact (Person to be contacted regarding waste activities at site)

Name (Last)

(First)

P E C K H U G H

Job Title

Phone Number (Area Code and Number)

E N V I R O N E N G R 4 1 0 - 3 8 8 - 4 6 4 4

VI. Installation Contact Address (See Instructions)A. Contact Address
Location

Mailing

☒

B. Street or P.O. Box

City or Town

State

Zip Code

VII. Ownership (See Instructions)**A. Name of Installation's Legal Owner**

B A L T I M O R E M A R I N E I N D U S T R I E S I

Street, P.O. Box, or Route Number

City or Town

State

Zip Code

Phone Number (Area Code and Number)

- -

B. Land Type

P

C. Owner Type

P

D. Change of Owner
Indicator

Yes

X

No

(Date Changed)
Month Day Year

1 0 0 2 9 7

formerly Bethlehem Steel - Beth Ship

ID - For Official Use Only

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to Instructions)

A. Hazardous Waste Activity

1. Generator (See Instructions)
☒ a. Greater than 1000kg/mo (2,200 lbs.)
☐ b. 100 to 1000 kg/mo (220-2,200 lbs.)
☐ c. Less than 100 kg/mo (220 lbs.)
2. Transporter (Indicate Mode in boxes 1-5 below)
☐ a. For own waste only
☐ b. For commercial purposes
- Mode of Transportation
☐ 1. Air
☐ 2. Rail
☐ 3. Highway
☐ 4. Water
☐ 5. Other - specify _____
3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity, see instructions.
☐ 4. Hazardous Waste Fuel
☐ a. Generator Marketing to Burner
☐ b. Other Marketers
☐ c. Boiler and/or Industrial Furnace
☐ 1. Smelter Deferral
☐ 2. Small Quantity Exemption
Indicate Type of Combustion Device(s)
☐ 1. Utility Boiler
☐ 2. Industrial Boiler
☐ 3. Industrial Furnace
☐ 5. Underground Injection Control

B. Used Oil Recycling Activities

1. Used Oil Recycling Marketer
☐ a. Marketer Directs Shipment of Used Oil to Off-Specification Burner
☐ b. Marketer Who First Claims the Used Oil Meets the Specifications
2. Used Oil Burner - Indicate Type(s) of Combustion Device
☐ a. Utility Boiler
☐ b. Industrial Boiler
☐ c. Industrial Furnace
3. Used Oil Transporter - Indicate Type(s) of Combustion Device(s)
☐ a. Transporter
☐ b. Transfer Facility
4. Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies)
☐ a. Process
☐ b. Re-refine

IX. Description of Regulated Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. (Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24)

1. Ignitable (D001) ☒ 2. Corrosive (D002) ☒ 3. Reactive (D003) ☐ 4. Toxicity Characteristic ☒ (List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))
- D 0 0 5 D 0 0 6 D 0 0 7 D 0 0

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)


1 D 0 0 9	2 F 0 0 2	3 F 0 0 3	4 M 0 0 1	5 M 1 0 1	6
7	8	9	10	11	12

C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number; See instructions.)

1	2	3	4	5	6
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X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature 	Name and Official Title (Type or print) PRESIDENT	Date Signed 10/20/97
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XI. Comments

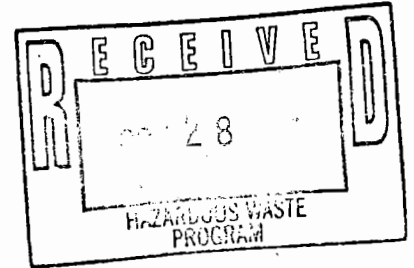
Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)

Baltimore Marine Industries

David Watson
President

October 20, 1997

Brian Wenck
Hazardous and Solid Waste Administration
Maryland Department of the Environment
2500 Broening Highway
Baltimore, Maryland



EPA ID # MDD046283495

Dear Mr. Wenck,

On October 2, 1997, Baltimore Marine Industries purchased BethShip, Sparrows Point Shipyard from the Bethlehem Steel Corporation. The facility will continue to operate as a shipyard. Please find attached an updated "Notification of Regulated Waste Activity" form. If you have any questions, please contact Guy A. Ritterman at (410) 388 4640.

Sincerely,

David Watson

Please refer to the Instructions for Filing Notification before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).



Notification of Regulated Waste Activity

United States Environmental Protection Agency

Date Received
(For Official Use Only)

I. Installation's EPA ID Number (Mark 'X' in the appropriate box)

☐

A. First Notification

☒
B. Subsequent Notification
(complete item C)

C. Installation's EPA ID Number

M D D 0 4 6 2 8 3 4 9 5

II. Name of Installation (Include company and specific site name)

B E T H L E H M S T E E L C O R P - B E T H S H I P

III. Location of Installation (Physical address not P.O. Box or Route Number)

Street

S P A R R O W S P O I N T S H I P Y A R D

Street (continued)

City or Town

S P A R R O W S P O I N T

State

ZIP Code

M D 2 1 2 1 9 -

County Code

County Name

B A L T I M O R E

IV. Installation Mailing Address (See Instructions)

Street or P.O. Box

S A M E A S A B O V E

City or Town

State

ZIP Code

V. Installation Contact (Person to be contacted regarding waste activities at site)

Name (last)

F A R S O N

(first)

W A L T E R

Job Title

E N V . E N G I N E E R

Phone Number (area code and number)

4 1 0 - 3 8 8 - 4 6 4 4

VI. Installation Contact Address (See Instructions)

A. Contact Address

Location

Mailing

☒

B. Street or P.O. Box

City or Town

State

ZIP Code

VII. Ownership (See Instructions)

A. Name of Installation's Legal Owner

B E T H L E H M S T E E L C O R P - B E T H S H I P

Street, P.O. Box, or Route Number

S P A R R O W S P O I N T S H I P Y A R D

City or Town

State

ZIP Code

S P A R R O W S P O I N T

M D 2 1 2 1 9 -

Phone Number (area code and number)

4 1 0 - 3 8 8 - 4 6 4 4

B. Land Type

C. Owner Type

D. Change of Owner Indicator

(Date Changed)

Yes ☐ No ☒

Month Day Year

☐
☐
☐
☐
☐
☐
☐
☐
☐
☐

ID - For Official Use Only

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to instructions.)

A. Hazardous Waste Activity

1. Generator (See Instructions) ☒ 3. Treater, Storer, Disposer (at installation)
Note: A permit is required for this activity; see instructions.
- ☒ a. Greater than 1000kg/mo (2,200 lbs.)
☐ b. 100 to 1000 kg/mo (220 - 2,200 lbs.)
☐ c. Less than 100 kg/mo (220 lbs.)
2. Transporter (Indicate Mode in boxes 1-5 below)
☐ a. For own waste only
☐ b. For commercial purposes
Mode of Transportation
☐ 1. Air
☐ 2. Rail
☐ 3. Highway
☐ 4. Water
☐ 5. Other - specify
4. Hazardous Waste Fuel
☐ a. Generator Marketing to Burner
☐ b. Other Marketers
☐ c. Burner - indicate device(s) - Type of Combustion Device
☐ 1. Utility Boiler
☐ 2. Industrial Boiler
☐ 3. Industrial Furnace
5. Underground Injection Control

B. Used Oil Fuel Activities

1. Off-Specification Used Oil Fuel
☐ a. Generator Marketing to Burner
☐ b. Other Marketer
☐ c. Burner - indicate device(s) - Type of Combustion Device
☐ 1. Utility Boiler
☐ 2. Industrial Boiler
☐ 3. Industrial Furnace
2. Specification Used Oil Fuel Marketer (or On-site Burner) Who First Claims the Oil Meets the Specification
☐

IX. Description of Regulated Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.20 - 261.24)

1. Ignitable (D001) ☒ 2. Corrosive (D002) ☒ 3. Reactive (D003) ☐ 4. Toxicity Characteristic (D000) ☒
- (List specific EPA hazardous waste number(s) for the Toxicity Characteristic contaminant(s))
- D 0 0 5 D 0 0 6 D 0 0 7 D 0 0 8

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33. See instructions if you need to list more than 12 waste codes.)


1 F 0 0 2	2 F 0 0 3	3 F 0 0 4	4 F 0 0 5	5	6
7	8	9	10	11	12

C. Other Wastes. (State or other wastes requiring an I.D. number. See instructions.)

1 M 0 0 1	2 M T 0 1	3 U 1 5 1	4	5	6
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X. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

Signature  Name and Official Title (type or print) David Watson, President Date Signed 10/7/92

XI. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)



ACKNOWLEDGEMENT OF NOTIFICATION
OF REGULATED WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Regulated Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

+
MDD046283495

INSTALLATION ADDRESS

BETHLEHEM STEEL CORP-BETHSHIP
SPARROWS POINT SHIPYARD
SPARROWS POINT, MD 21219
WALTER FARSON ENV ENGR

SPARROWS POINT SHIPYARD
SPARROWS POINT, MD 21219

2

1

1



BethShip

Sparrows Point Yard

D. Watson
PRESIDENT

October 6, 1992

Maryland Department of the Environment
Hazardous and Solid Waste Administration
2500 Broening Highway
Baltimore, Maryland 21224

To Whom It May Concern:

Enclosed please find an updated "Notification of Regulated Waste Activity" form. This subsequent notification updates your records to reflect current waste disposal activity at the BethShip Division of the Bethlehem Steel Corporation. If you have any questions regarding this matter please call me at 410-388-4644.

Sincerely,

Walter Farson
Environmental Engineer

cc: file

RECEIVED

OCT 8 1992

RECEIVED
GENERAL STATE SECTION

HAZARDOUS WASTE DIVISION

OCT 2 / 1992

EPA, R3

FY91 COMPLIANCE MONITORING AND ENFORCEMENT LOG

1. EPA ID: M D D 0 4 6 2 8 3 4 9 5 4. Data Entry
2. Name: Bethlehem Steel, Baltimore Marine Division New Update ☒
3. Address: Sparrows Point, Baltimore, MD Zip
5. Date of initial evaluation: 11/20/90 5a. Responsible E=EPA O=Other Agency S S=State B=Con/St C=Con/EPA X=Oversite
6. Type of Evaluation: 5 Covered by this Report 1=CEI 2=Sampling Insp 3=Record Review 4=CME 5=Comp Sched Eval 11=Case Devel Insp 12=O&M Inspection 13=CA Oversight Insp
7. Date of Eval covered by report: 6/5/91 (If different from 5.)

7a. Eval comments: Large quantity generator

8. CLASS & VIOLTN	Class of Violatn	GWM	C/PC	F	R	PtB	CmpSc	Man	L	B	OTH
KEY	I	<u>M</u>									<u>S</u>
X=violation, no spec	II										
B=viol & specialty											
S=same violation											
Z=pend determinatn											
O=no violation											
Specialties											
I=no insurance only											
C=CA Schedule Viol											
H=HPV											
*=Class I only											

8a. Viol Comment: Excessive spills sighted in Staging Area #34 & SE Bldg. from previous activities pursuant to SCO-91-097 & SCO-91-110

9. Enforcement Action:

Class	Area of Violatn	Type (code)	Action Date	Comp Date	Penalty	Resp Agen
				Schd	Assd Coll	(code)
<u>I</u>	<u>GTW</u>	<u>10</u>	<u>12/5/90</u>	<u>6/5/91</u>		<u>S</u>

Enf 03=Warn Ltr 11=Filed Civil Act 15=CA In Ad Or Agcy code
 Act 04=Admn Complt 12=Filed Criml Act 16=CA Fl Ad Or E=EPA
 Type 05=Fl Adm Ord 18=Civil Ref to AG 21=Note nonComp S=State
 Code 10=Informal 19=Final Judcl Ord 22=FFCA X=EPA/
 23=Federal Facility Refferal to Headquarters oversight

10. Enforcement Comment: BSS to conduct environmental assessment of Staging Area #34 and SE Bldg.



State of Maryland
Department of the Environment
Hazardous and Solid Waste Management Administration
2500 Broening Highway, Baltimore, Maryland 21224

Report of Observations

Type of Inspection/Observations: Follow-up Inspection Date 6/5/91

Facility Name: Beth Steel Shipyard.

Remarks: A meeting with respect to remediation of Staging Area 34 and SE Bldg. was held in the presence of Mr. Guy Rittenman, and Mr. Walter Farson of Beth Steel pursuant to Inspection Report dated 12/5/90, 12/18/90, Rep 1/7/91 and SC-O-91-077, and SC-O-110. Beth Steel has been directed to conduct environmental assessment particularly of Staging Area 34 which would include installation of monitoring wells for ground water analysis.

Observer: [Signature]

Person Interviewed: [Signature]



State of Maryland
Department of the Environment
Hazardous and Solid Waste Management Administration
2500 Broening Highway, Baltimore, Maryland 21224

① 4(2)

Report of Observations

Type of Inspection/Observations: Follow up inspection Date 4/8/91

Facility Name: Beth Steel Shipyard

Remarks: This follow up inspection was conducted on 4/8/91 to confirm compliance by Beth Steel Shipyard in accordance with all applicable State of MD Regulations. This inspection was accompanied by Mr. Walter Farson, Environmental Engineer for Beth Steel and the areas inspected were:

1. Staging Area 34
2. New EHS Staging and Storage Bldg. (SE Bldg.)
3. Paint Shop
4. Northfield CHS Storage Bldg.

1. Staging Area 34

Inspection of this area revealed that all drums containing CHS had been removed. Three more samples SA40, SA50 and SA53 were taken for more analysis.

2. SE Bldg.

Beth Steel has installed a 2" high containment system along the perimeter of the inside of the bldg. to contain any spill of CHS in storage. At the time of the inspection, Beth Steel had 11 55 gallon drums of CHS with accumulation dates of 1/25/91, 1/16/91, 1/23/91, and 3/16/91.

3. Paint Shop.

During the inspection of the Paint Shop, this inspector met with Mr. Mike Staubs, foreman, and according to Mr. Staubs, paints were mixed inside the paint shop for small jobs only. All leftover paints returned from job sites would be cured and placed inside a 55 gallon drum and then shipped to CHS storage in Northfield. Waste cleaning fluid from cleaning brushes and pans, would be contained in a separate 55 gallon drum and transported to Northfield CHS storage also. During the walk thru of the Paint Shop, I observed dried paints on floor that had been spilled out from the drums.

Observer: [Signature]

Person Interviewed: W. Farson



State of Maryland
Department of the Environment
Hazardous and Solid Waste Management Administration
2500 Broening Highway, Baltimore, Maryland 21224

(2) of (2)

Report of Observations

Type of Inspection/Observations: Follow up Inspection Date 4/8/91

Facility Name: Beth Steel Shipyard

Remarks: Mr. Stanhs was advised to place all drums containing waste CTS inside a containment system.

4. Northfield CTS Storage Shed.

Inspection of Northfield CTS storage shed revealed that Beth Steel had 3-55 gallon drums of CTS marked 1/25/91 and 1/7/91.

Post inspection meeting was held with Mr. Guy Rittenman and Mr. Walter Farson and all findings during the inspection tour were discussed. Also requested that Beth Steel submit all chemical analysis results (TCLP) on six soil samples taken on January 4, 1991.

Observer: [Signature]

Person Interviewed: [Signature]



State of Maryland
Department of the Environment
Hazardous and Solid Waste Management Administration
2500 Broening Highway, Baltimore, Maryland 21224

① of ②

Report of Observations

Type of Inspection/Observations: Follow up inspection Date 4/8/91

Facility Name: Beth Steel Shipyard MDD046283993

Remarks: This follow up inspection was conducted on 4/8/91 to en-
force compliance by Beth Steel Shipyard in accordance with all
applicable State of MD Regulations. This inspection tour
was accompanied by Mr. Walter Farson, Environmental Eng.
for Beth Steel and the areas inspected were:

1. Staging Area 34
2. New CTS Staging and Storage Bldg. (SE Bldg.)
3. Paint Shop
4. Northfield CTS Storage Bldg.

1. Staging Area 34

Inspection of this area revealed that all drums
containing CTS had been removed. Three more samples SA4
SA50 and SA53 were taken for more analysis.

2. SE Bldg.

Beth Steel has installed 2" high containment system
along the perimeter of the inside of the bldg. to contain
any spill of CTS in storage. At the time of the inspection,
Beth Steel had 11-55 gallon drums of CTS with accumulat-
dates of 1/28/91, 1/16/91, 1/23/91, and 3/16/91.

3. Paint Shop.

During the inspection of the Paint Shop, this inspector
met with Mr. Mike Stauls, foreman, and according to
Mr. Stauls, paints were mixed inside the paint shop for
small jobs only. All leftover paints returned from job sites
would be cured and placed inside a 55 gallon drum and
then shipped to CTS storage in Northfield. Waste cleaning
fluid, from cleaning brushes and pans, would be contained
in a separate 55 gallon drum and transported to North-
field CTS Storage also. During the walk thru of the Paint Shop, I observ-
ed dried paints on floor that had been spilled out from the dr-

Observer: [Signature]

Person Interviewed: W. Farson



State of Maryland
Department of the Environment
Hazardous and Solid Waste Management Administration
2500 Broening Highway, Baltimore, Maryland 21224

② of ②

Report of Observations

Type of Inspection/Observations: Follow up Inspection Date 4/8/91

Facility Name: Beth Steel Shipyard

Remarks: Mr. Stanhs was advised to place all drums containing waste CHTS inside a containment system.

4. Northfield CHTS Storage Shed.

Inspection of Northfield CHTS Storage Shed revealed that Beth Steel had 3-55 gallon drums of CHTS marked 1/25/91 and 1/7/91.

Post inspection meeting was held with Mr. Guy Ritterman and Mr. Walter Farson and all findings from the inspection tour were discussed. Also requested that Beth Steel submit all chemical analysis results (TCLP) on six soil samples taken on January 4, 1991.

50005
50006
50007

Observer: [Signature]

Person Interviewed: [Signature]

Bethlehem Steel Corporation

BALTIMORE MARINE DIVISION

SPARROWS POINT YARD

SPARROWS POINT, MD 21219-2599

D. WATSON
GENERAL MANAGER



January 10, 1991

State of Maryland
Department of the Environment
Waste Management Administration
Enforcement Section
2500 Broening Highway
Baltimore, Maryland 21224

Attention: Mr. Stanley Tsai

50006
50007

In compliance with site complaint SC-0-91-097 issued December 1, 1990, the following are the plans for decommissioning the 34 area:

1. All drums will be removed from the area along with any remaining paint products.
2. All remaining spillage of paint will be cleaned-up.
3. An area of ^{Expand} 50' x 50' will be laid out containing 100 grids, ⁹ 6 grids will be sampled, compositing 6 samples from each grid. Determination of grids to be sampled will be made using the sample date and a random numbers table. (Source EPA/530-SW-84-012)
4. The above samples will be analyzed as per our conversation which will include TCLP, metals, volatiles, semi-volatiles along with xylene and toluene. , total Pet. Hydrocarbon.

Additionally, a copy of our hazardous waste contingency plan is enclosed along with the missing pages to Gascoyne's analytical report No. 90-08-563. Other items are currently being worked on and will be submitted when all the information is received.

If you have any questions regarding this information please call me at 388-4644.

Sincerely,
Walter Farson

Walter Farson
Environmental Engineer

RECEIVED

JAN 14 1991

HSWMA
ENFORCEMENT PROGRAM

State of



Maryland

MDD 04628349

DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway, Baltimore, Maryland 21224

Area Code 301 • 631- 3304

William Donald Schaefer
Governor

Robert Perciasepe
Secretary

September 27, 1991

CERTIFIED/RESTRICTED DELIVERY

Corporation Trust Incorporated
32 South Street
Baltimore, Maryland 21202

RE: Bethlehem Steel Corporation
Baltimore Marine Division

Dear Sir/Madam:

Enclosed you will find a Complaint, Order, and Administrative Penalty resulting from violations of Maryland's law and regulations regarding Controlled Hazardous Substances, Water Quality and Water Pollution Control.

The Hazardous and Solid Waste Management Administration is seeking a penalty of \$40,000.00 in this case.

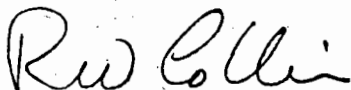
This matter may be settled by prepaying to the Maryland Department of the Environment the amount of \$32,000.00. By settling, Bethlehem Steel Corporation waives its right to a hearing and the opportunity to contest the assessment of the penalty but does not admit any of the allegations contained in the Complaint.

If prepayment is elected, Bethlehem Steel Corporation shall, within thirty (30) calendar days of receipt of this document, submit a certified check in the amount of \$32,000.00, made payable to the Maryland Hazardous Substance Control Fund, c/o the Maryland Department of the Environment, Fiscal Services Division, Cash Receipts/Advances Unit, 2500 Broening Highway, Baltimore, Maryland 21224. If prepayment is made in accordance with the conditions established herein and a hearing is not requested on the Complaint and Order, this matter will be considered settled and a hearing will not be required. If you choose to appear for the hearing, the assessment and amount of the violation will be determined by the Hearing Office.

Corporation Trust Incorporated
Page Two

If you have any questions concerning this matter, please communicate with Mr. Stanley Tsai, Inspector, Hazardous Waste Enforcement Division, Hazardous and Solid Waste Management Administration, at (301) 631-3400.

Sincerely,



Richard W. Collins, Director
Hazardous and Solid Waste
Management Administration

RWC/st

Enclosure

cc: Mr. Don Outen
Michael C. Powell, Esquire
Mr. Harold L. Dye, Jr.
Mr. Arthur O'Connell

IN THE MATTER OF:

Bethlehem Steel Corporation
Baltimore Marine Division

SERVE ON:

Corporation Trust Inc.
32 South Street
Baltimore, Maryland 21202

* DEPARTMENT
* OF
* THE ENVIRONMENT

* Hazardous and Solid Waste
* Management Administration
* 2500 Broening Highway
* Baltimore, Maryland 21224
* C-O-92-057

* * * * *

COMPLAINT

(1) WHEREAS, the State of Maryland, Department of the Environment, Hazardous and Solid Waste Management Administration, pursuant to the powers, duties and responsibilities vested in the Secretary of the Environment by Environment Article, Sections 1-301, 7-201 through 7-268, and 9-301 through 9-344, inclusive, Annotated Code of Maryland, and delegated to the Director, Hazardous and Solid Waste Management Administration (hereinafter, "the Administration") has reasonable grounds to believe that Bethlehem Steel Corporation - Baltimore Marine Division (hereinafter, "Bethlehem Steel Marine Division") has violated Maryland law regarding Oil Pollution and Water Pollution Control and Controlled Hazardous Substance (hereinafter, "CHS") at its Sparrows Point Yard.

(2) WHEREAS, Bethlehem Steel Marine Division operates a ship repair plant at its Sparrows Point Yard in Baltimore County, Maryland, and uses paint thinner which is 100% Xylene as solvent in its painting operations.

(3) WHEREAS, Bethlehem Steel Marine Division, as a result of its painting operations, generates waste paint related material which is a characteristic CHS as defined in COMAR 26.13.02 that is subject to the Code of Maryland Regulations (COMAR) at 26.13.02.16

(4) WHEREAS, Bethlehem Steel Marine Division has obtained identification number MDD046283495 from the Environmental Protection Agency as required for generators of hazardous waste.

(5) WHEREAS, Bethlehem Steel Marine Division does not have permit to store CHS at the ship repair plant for greater than 90 days beyond its date of generation.

(6) WHEREAS, waste paint related material is a pollutant.

(7) WHEREAS, oil is a pollutant.

(8) WHEREAS, the Patapsco River is waters of the State.

(9) WHEREAS, the discharge of pollutants to waters of the State is prohibited pursuant to Sections 9-322 through 9-331.

(10) WHEREAS, pursuant to Environment Article, Section 9-101(g), pollutant is defined as:

(1) Any waste or wastewater that is discharged from:

(i) A publicly owned treatment works; or

(ii) An industrial source; or

(2) Any other liquid, gaseous, solid, or other substance that will pollute any waters of this State.

(11) WHEREAS, pursuant to Environment Article, Section 9-101(b), discharge is defined as:

i) the addition, introduction, leaking, spilling, emitting of a pollutant into the waters of the State;

ii) the placing of a pollutant in a location where the pollutant is likely to pollute.

(12) WHEREAS, on November 20, 1990 and December 5, 1990, Mr. Stanley Tsai, a representative of the Administration conducted a routine RCRA inspection of Bethlehem Steel Marine Division Sparrows Point Yard.

(13) WHEREAS, during the November 20, 1990 inspection of the facility, Inspector Tsai observed the following:

- a. Bethlehem Steel Marine Division was storing waste paint related material in Staging Area 34.
- b. Staging Area 34 is approximately 100 feet in length and 100 feet in width in an open area with no secondary containment system and is located approximately 500 feet from the Patapsco River.
- c. Within Staging Area 34, Bethlehem Steel Marine Division was storing eighteen (18) - 55 gallon drums containing waste paint related material and over seventy (70) - one and five gallon pails containing waste paint related material.
- d. Most of the above described containers were found to be open and unattended.
- e. Spillage and discharge of waste paint related material from these containers was observed on the ground.
- f. No accumulation date was marked on any of the containers stored at Staging Area 34.

- g. Most drums were deteriorated or open so that waste paint material had leaked or spilled out onto the ground.
- h. No adequate aisle space was available inside the main CH storage shed.
- i. Bethlehem Steel Marine Division misclassified waste paint related material consisting of waste paint and solvent as D001 on labels instead of F003 as defined in COMAR 26.13.02.16.

(14) WHEREAS, COMAR 26.13.03.05(E) permits the storage of CH for a period of 90 days without a permit under certain conditions including that:

- a. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container pursuant to COMAR 26.13.03.05(E)(1)(c).
- b. The waste is stored in a secondary containment system pursuant to COMAR 26.13.05.09(H).
- c. All containers containing hazardous waste are closed while in storage pursuant to COMAR 26.13.05.09(D).
- d. All areas where CHS containers are stored shall be inspected at least weekly for leaks and for deterioration of containers and the containment system caused by corrosion or other factors pursuant to COMAR 26.13.05.09(E).
- e. The required aisle space is maintained, pursuant to COMAR 26.13.05.03(F).

(15) WHEREAS, on December 5, 1990, a Site Complaint SC-0-91-097 was issued to Bethlehem Steel Marine Division by Inspector Tsai pursuant to Environment Article, Sections 7-20 through 7-268 ordering Bethlehem Steel Marine Division to immediately:

- a. Cease operation of transferring CHS in staging Area 34
- b. Submit complete work plan detailing cleanup of Staging Area 34.
- c. Post the date of accumulation on all CHS drums.
- d. Provide adequate aisle space in the main CHS storage shed.

(16) WHEREAS, on December 18, 1990, during a follow-up inspection, Inspector Tsai observed that:

- a. Bethlehem Steel Marine Division failed to completely perform the requirements of SC-0-91-097 by failing to conduct or complete cleanup operation at Staging Area 34
- b. Seven (7) - 55 gallon drums containing waste paint related material, were in a bulging condition. These seven drums were stored on pallets outside the main CHS storage shed with no secondary containment system - violation of COMAR 26.13.05.09(H).

(17) WHEREAS, on January 7, 1991, during a subsequent follow-up inspection, Inspector Tsai observed the following at Staging Area 34:

- a. More than twenty (20) - 5 gallon pails containing paint material were stored on open ground with no secondary containment system.
- b. The contents of one of the above pails, that was labelled as containing paint and petroleum distillate, FPL274, had spilled or discharged onto the ground.
- c. Seventeen (17) - 55 gallon drums containing oil were stored on open ground at Staging Area 34. One (1) - 5 gallon drum containing oil was found to be open and had spilled or discharged its contents onto the adjacent ground.
- d. Bethlehem Steel Marine Division failed to comply with the requirements as stated in SC-0-91-097.

(18) WHEREAS, on January 7, 1991, Inspector Tsai also observed the following in building 21 located in the southeastern part of the Sparrows Point Yard:

- a. In Building 21, where Bethlehem Steel Marine Division had proposed to use as Staging Area for its waste paint related material, thirty (30) - 55 gallon drums and over thirty (30) - 5 gallon pails containing waste paint related material, and three (3) - 55 gallon drums containing waste paint related material were found to be in storage.
- b. The three (3) - 55 gallon drums and most of the five gallon pails were open and some of those containers had

spilled or discharged waste paint related material onto the floor.

- c. No accumulation date was marked on any of these thirty (30) - 55 gallon drums, thirty (30) - 5 gallon pails and three (3) - 55 gallon drums.
- d. These thirty (30) - 5 gallon pails and three (3) - 5 gallon drums were not stored within a secondary containment system.

(19) WHEREAS, on January 7, 1991, the following samples were taken at Staging Area 34 and Building 21.

- a. SA1 through SA3, soil and spill samples taken from approximately 3" from the top of soil at Staging Area 34
- b. SA4, soil and spill sample taken in the vicinity of the one (1) - 55 gallon open oil drum at Staging Area 34.
- c. SA5, soil and spill samples taken near the one (1) - gallon pail labelled as FPL-274 at Staging Area 34.
- d. SE-1, liquid sample taken from one (1) open 55 gallon drum inside Building 21.
- e. SE2, soil and spill sample taken inside building 21.

(20) WHEREAS, the chemical analysis of all seven samples showed the following:

- a. SA1 having the concentration of total petroleum hydrocarbon as 903 ppm;
- b. SA2 having concentration of formamide as 12 ppm, total petroleum hydrocarbon as 610 ppm;

- c. SA3 having concentrations of Xylene as 36 ppm, total petroleum hydrocarbon as 2139 ppm;
- d. SA4 having concentrations of Naphthalene as 36 ppm, total petroleum hydrocarbon as 222 ppm;
- e. SA5 having concentrations of Toluene as 12 ppm, Ethyl Benzene as 22 ppm, 4-Methyl 2-Pentanone as 214 ppm, Xylene as 274 ppm, N-Propyl benzene as 12 ppm, o-Chlorotoluene as 12 ppm, 1,3,5 - Trimethyl Benzene as 30 ppm, 1,2,4 - Trimethyl Benzene as 40 ppm, total petroleum hydrocarbon as 237 ppm;
- f. SE1 having concentrations of Xylene as 90 ppm, 2-Heptanone as 1,012 ppm;
- g. SE2 having concentrations of Toluene as 116 ppm, 4-Methyl 2-pentanone as 1,739 ppm, Xylene as 5 ppm, Isopropyl Benzene as 72 ppm, N-Propyl Benzene as 111 ppm, 1,3,5 - Trimethyl Benzene as 171 ppm, p-Chlorotoluene as 23 ppm, 1-2-3-Trimethyl Benzene as 54 ppm, total petroleum hydrocarbon as 5607 ppm.

(21) WHEREAS, on January 7, 1991, Inspector Tsai issued a Site Complaint SC-O-91-110 to Bethlehem Steel Marine Division pursuant to Environment Article 9-301 through 9-344 and 7-201 through 7-268

(22) WHEREAS, on November 20, 1990, December 5, 1990, December 18, 1990 and January 7, 1991 Bethlehem Steel Marine Division stored waste CHS without a permit and without complying with the requirements set forth in COMAR 26.13.03.05(E) in violation of Environment Article, Section 7-224.

(23) WHEREAS, on November 20, 1990, December 5, 1990, December 18, 1990 and January 7, 1991 Bethlehem Steel Marine Division was found to have discharged CHS in violation of Environment Article, Section 7-224, Annotated Code of Maryland prohibiting the discharge of CHS.

(24) WHEREAS, on November 20, 1990, December 5, 1990, December 18, 1990 and January 7, 1991 Bethlehem Steel Marine Division discharged pollutants into the waters of the State in violation of Environment Article Section 9-322, Annotated Code of Maryland.

ORDER

THEREFORE, it is ORDERED by the Director of the Hazardous and Solid Waste Management Administration that Bethlehem Steel Marine Division shall:

1. Accumulate or store no CHS until compliance with the storage requirements for generators as prescribed in COMA 26.13.03.05(E) has been met.
2. Within thirty (30) days of receipt of this Order, submit for approval to the Administration, a plan for a comprehensive extent of contamination study and cleanup of Staging Area 34 which includes a soil gas survey and the installation of groundwater monitoring wells.
3. Within thirty (30) days of receipt of this Order, submit a plan for approval to the Administration, for the cleanup of Building 21.

4. Within thirty (30) days of receipt of this Order, submit a facility Spill Prevention Control and Countermeasure (SPCC) Plan to the Administration.

5. Within one hundred eighty (180) days of the effective date of this Order, Bethlehem Steel Marine Division shall develop and submit to the Administration for approval, a Pollution Prevention/Waste Minimization Program as part of a comprehensive program to manage hazardous waste. This program of source reduction shall be designed to eliminate the generation of certain wastes where possible and to reduce the total quantity and/or toxicity of the wastes generated at the shipyard. At a minimum the program shall include:

- (A) a Program Management Plan;
- (B) Design Plans and Specifications regarding hazardous waste generation processes;
- (C) a Project Schedule;
- (D) Cost Estimates for implementing the program; and
- (E) a Methodology for determining the amount of waste and/or toxicity reduction achieved.

6. If the Administration determines that any plan submitted pursuant to the Order is insufficient, the Administration will comment on deficiencies in the plan. Within thirty (30) days of receipt of those comments, Bethlehem Steel shall revise the plan as required by the Administrator's comments.

7. Implement each of the plans required under this Order in accordance with each approved plan and time schedule.

Implementation shall commence immediately upon Administrative approval of the plan.

ADMINISTRATIVE PENALTY

The Hazardous and Solid Waste Management Administration is seeking an administrative penalty in this case of \$40,000.00 based upon the following factors, including but not limited to, the potential harm to the environment, the economic feasibility of preventing the violations, and the failure of Bethlehem Steel Marine Division to exercise reasonable care in preventing the violations.

PROCEDURE FOR REQUESTING A HEARING ON THE COMPLAINT AND ADMINISTRATIVE PENALTY

(A) Bethlehem Steel Marine Division has a right to a hearing pursuant to Sections 7-261 and 7-266 of the Environment Article and the Maryland Administrative Procedure Act as codified in Section 10-201 et seq. of the State Government Article of the Annotated Code of Maryland. Prepayment would constitute a waiver of the right to a hearing on the administrative penalty.

(B) An appearance before the Administrative Law Judge constitutes an administrative hearing and the Bethlehem Steel Marine Division has the rights of any party in a contested case provided by the Maryland Administrative Procedure Act.

(C) Depending upon the evidence presented at the hearing, the Office of Administrative Hearings may assess any penalty up to \$1,000.00 for each violation, with each day of violation constituting a separate violation day, or a maximum of \$50,000.00

(D) Bethlehem Steel Marine Division may obtain a hearing to contest the Order by filing a written request for a hearing within ten (10) calendar days of receipt of this document, in accordance with Section 7-261 of the Environment Article.

(E) Bethlehem Steel Marine Division may obtain a hearing to contest the penalty by filing a written request for a hearing within thirty (30) calendar days of receipt of this document in accordance with COMAR 26.01.02.05C.

(F) The request for hearing on a penalty and Order may be consolidated or filed individually. Such request(s) must include a brief statement of the factual and legal basis for the request. Unless a request for a hearing is filed in a timely manner, this Order and/or administrative penalty shall be deemed final pursuant to Sections 7-262 and 7-266 of the Environment Article. All requests should be sent to the Director, Hazardous and Solid Waste Management Administration, Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224. A copy of the hearing request should be sent to the attorney who signed this document, at the Office of the Attorney General, Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

(G) If you fail to timely request a hearing, or thereafter fail to attend or to participate in a pre-hearing conference, hearing that you have requested, or other stage of an adjudicative proceeding, then without further notice to you this Order and administrative penalty will become final, you will default and lose your right to a hearing. A Final Default Order may be entered.

against you, a lien may be placed against your property for the amount of any administrative penalty plus costs and interest, and your account may be declared delinquent and transferred to the State's Central Collections Unit for possible enforced collection action.

(H) Bethlehem Steel Marine Division must be represented by attorney in an administrative hearing. The attorney must be admitted to the Bar in the State of Maryland or must be specifically admitted to the Maryland Bar pursuant to Maryland Rule 20 of the Maryland Rules governing admission to the Bar. Rule 20 governs special admission of out-of-state attorneys.

If you have any questions concerning this matter, please contact Mr. Stanley Tsai, Inspector, Hazardous Waste Enforcement Division, Hazardous and Solid Waste Management Administration, at (301) 631-3400.

September 26, 1991
DATE

Richard W. Collins
Richard W. Collins, Director
Hazardous and Solid Waste
Management Administration

Approved as to form and legal
sufficiency this 25th day of
September, 1991.

Pamela D. Marks
Assistant Attorney General

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